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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5, 6, and 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are vague, indefinite, and incomplete.

- (a) The recitation of "such as" (claims 5(d) and 6(d)) is vague and indefinite because it is not clear whether what follows are claim limitations or not.
- (b) The recitation of "diatheses and properties" (claims 5(d), 5(e), 14, and 17) is vague and indefinite because the instant application does not clearly define what is meant by these terms within the context of the claims.
- (c) The recitation of "interaction among proteins" (claims 5(d), 5(e), 14, and 17) is vague and indefinite because the instant application does not clearly define what is meant by the term within the context of the claims.
- (d) The recitation of "making a determination based on" (claims 5(e), 6(e), 13(e), and 16(e)) is vague, indefinite, and incomplete because the actual steps performed in the determination are not mentioned or made clear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 6, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Boyce-Jacino et al (WO 01/26026 (April 12, 2001)) or Denton et al (WO 01/01218 (January 4, 2001)) in view of either one of Maloney et al (U.S. Patent Application Publication 2001/0043217) or Mathias et al (U.S. Patent Application Publication 2001/0052851). Boyce-Jacino et al teaches the transmission of nucleic acid sequence data over the Internet (*e.g.*, see the Abstract, pages 7-12, and claims 1-31) and discusses security issues regarding data transfer and storage (*e.g.*, see the Abstract; page 1, first full paragraph; paragraph bridging pages 5-6; page 6, line 16 through page 9, line 18; page 13, lines 9-16; page 15, first full paragraph; page 18, lines 3-21, and claims 1-31). Denton et al teaches the determination of haplotypes and the transmission of nucleic acid sequence data over a communications network (*e.g.*, see the Abstract, pages 7-10, and pages 27-29) and also discusses security issues in connection with data transfer and storage (*e.g.*, see the Abstract; page 27, line 12 through page 28, line 24; and the paragraph bridging pages 71-72). Each of Maloney et al and Mathias et al teaches automated security systems for data that warn or alert the user (*e.g.*, see Maloney et al paragraphs 0026 and 0071 and Mathias et al, paragraph 0030). It would have been obvious for one of ordinary skill in the art at the time the invention was made to protect the data and alert the user of those data in the systems of either one of the primary references in the manner taught in either one of the secondary references in order to preserve the integrity and confidentiality of the system, objectives identified in each of the secondary references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719.

The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to james.martinell@uspto.gov. Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735.

OFFICIAL FAX NUMBER

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any Official Communication to the USPTO should be faxed to this number.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/James Martinell/
Primary Examiner
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